

Press release- for immediate release



JUSTICE pilots first ever worldwide virtual mock jury trial



On 23 March all new trials were suspended, due to fears that they may contribute to the spread of COVID-19. JUSTICE has a number of concerns about this. For those remanded in prison, it means an indefinite period in which their liberty is being restricted without a determination of guilt. For those remanded on bail, it means increased uncertainty and the inability to make plans for the future. For victims, it means a long wait for justice and a lack of closure. Moreover, it means a rise in the backlog that criminal courts were already struggling with, delaying justice far beyond the lifting of restrictions, which will not be for some time. The same is true of civil and family court trials.

It is vital that solutions are found to ensure that trials can restart as soon as possible. With it being likely that COVID-19 will require partial lockdowns and social distancing into next year, innovative solutions must be quickly explored. We do not believe that it will be possible to introduce effective social distancing of any kind in physical courts and any attempts to do so will risk public health. We believe that virtual solutions are the only viable options.

For these reasons, in collaboration with Corker Binning solicitors and AVMI, we have been testing whether virtual jury trials are possible using a video platform already utilised in the courts and which can be accessed from home computers. We have held two pilot trials so far, with support from barristers, a retired judge and volunteers to play the role of jurors, witnesses and the defendant. The exercise is being evaluated by independent expert academics in this field, Professor Linda Mulcahy and Dr Emma Rowden, whose report has [now been published](#).

The academic evaluation concludes that *“In light of the various successes of the pilot and the potential to further improve on this pilot project it is argued that there is a convincing case for rolling out the pilot.”*

We consider that the trials have shown promise, even providing improved sightlines in the court, which ensures that all participants can see and hear each other at all times. This brings parity and effective participation to the proceedings and suggests that any case – civil, family or criminal - involving witness evidence could be conducted in this way.

Some features still need to be worked through to ensure that the technology works as reliably as possible and security concerns can be allayed. There are some cases that will not be suitable – such as complex, multi-party cases and where parties have vulnerabilities to which a virtual trial cannot adapt.

We are holding a third mock virtual jury trial on 6th May, with particular emphasis on how to recreate the solemnity of the court, and the rituals that contribute toward it.

Andrea Coomber, Director of JUSTICE, said:

“These are extraordinary times, where we are urged to stay at home to save lives. We must use this opportunity to test old assumptions and identify whether technology can be used to end delays and bring finality to victims, claimants, defendants and families, while maintaining the principles of fairness that are the foundation of our justice system.”

Our jury was made up of volunteers consisting of the JUSTICE membership and invited experts.

Professor of law at the University of Glasgow, James Chalmers said:

“Having been very sceptical of the possibility of a jury deliberating electronically, I found myself converted by the set-up trialled by JUSTICE – the software worked very effectively and enabled jurors properly to evaluate the evidence and deliberate on it.”

Patricia Hitchcock QC, Recorder of the Crown Court, said:

“I was impressed with how much better my view of all the participants was than it usually would be for a juror in court, and by my ability to hear everybody involved.”

Professor Richard de Friend, former Director of the College of Law said:

“The overall organisation was highly disciplined, tightly timetabled and structured – far more so than was the case when I was a juror in a real trial.”

Please visit [our website](#) to read about all our COVID-19 related work

Notes for editors

1. JUSTICE has a long history working toward improved access to justice in challenging circumstances. Our Working Party reports, *Delivering Justice in the Age of Austerity*, *Preventing Digital Exclusion* and *Understanding Courts*, all work toward improving access to justice and ensuring that no one is excluded from access to justice. As such we are well placed to assess, understand and address concerns regarding virtual justice processes.

2. JUSTICE carried out these experiments with the support of Corker Binning solicitors, AVMI audio visual solutions company, HH Alistair McCreath, Orla Daly, Mark Trafford QC, Rosina Cottage QC and a number of volunteers. The virtual court was created using a Cisco platform.
3. The independent academic evaluation found a number of positive aspects of the experiment:
 - a) the technology worked very well for most of the two trials. This was especially the case in the second trial in which more technical staff were provided behind the scenes and participants were better briefed about how to use the technology;
 - b) the defendant was treated with much more dignity in the virtual court, as they were able to follow the proceedings more easily and appeared in a similar position to other participants;
 - c) a separate virtual room was provided for the defendant to consult with their counsel in private;
 - d) the Judge and barristers involved were highly effective in creating a sense of gravitas and civic occasion.
4. The evaluation also identified some problems that would need to be addressed in further experiments:
 - a) it became apparent in the first trial that participants needed to be provided with customised information about their role as a juror, how to use the technology and what to do if something went wrong. A number of these problems were resolved in time for the second trial and this has resulted in the provision of three guides for jurors, witnesses and lawyers;
 - b) the background environment and appearance of faces onscreen varied considerably during the pilot and had a significant impact on the solemnity of proceedings;
 - c) not all participants seemed aware of the importance of avoiding distracting or problematic behaviour, particularly in the first trial. Further guidance in a variety of forms could usefully be developed building on the documents already drafted by JUSTICE and AVMI.
5. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk
6. Please direct queries to Jodie Blackstock, Legal Director on jblackstock@justice.org.uk